UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,936	10/19/2000	Patrick McErlean	FKC-102US	5673

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 October 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 19 October 2000. Claims 1-30 are

pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3. Claims 1, 3, 5, 7, 19, 21-22, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Shaw et al. (6,249,807) in view of Miloslavsky (6,128,646).

(A)   As per claim 1, Shaw teaches an electronic message distributing apparatus for

distributing electronic messages from a database to one or more agents, the database storing, in

respect of each electronic message to be distributed (Shaw; abstract), a set of one or more

message classes into which the respective electronic message is deemed to belong (Shaw;

abstract and col. 4, lines 8-15 and 29-39, and col. 6, lines 50-57), the distributing apparatus

comprising:

means for determining, from said database, at least one message class in which an

electronic message is deemed to belong (Shaw; col. 6, lines 50-57) ;

Shaw fails to expressly teach the remaining limitations. However, these features are old

and well known in the art, as evidenced by Miloslavsky's teachings with regards to:

means for selecting, from a directory of one or more agents, an agent that has a

capability to process electronic messages that belong to said at least one message class

(Miloslavsky; abstract and col. 3, lines 33-46);

means for causing said electronic message to be rendered to said selected agent for

processing thereby (Miloslavsky; col. 3, lines 33-46); and

means for receiving from said selected agent a signal indicating that said electronic

message is processed; wherein, upon receipt of said signal, the distributing apparatus is arranged

to determine, from said database, if said set includes one or more message classes in respect of

which said electronic message is not processed and, in response to determining that said

electronic message has not been processed in respect one or more message classes in said set, is

arranged to select a further agent to which to cause said electronic message to be rendered,

which further agent has a capability to process messages which belong to one or more of said

unprocessed message classes. (Miloslavsky; col. 5, lines 27-36).

It is respectfully submitted, that it would have been obvious, to one having ordinary skill

in the art at the time the invention was made, to expand the system taught by Shaw with

Miloslavsky's teaching with regards to this limitation, with the motivation of enabling the

sending the message to a person who has the skill set to respond to the message (Miloslavsky;

abstract).

(B)   As per claim 3, Shaw fails to expressly teach including means for recording that said electronic message is processed in respect of said at least one message class. However, these features are old and well known in the art, as evidenced by Miloslavsky's teachings with regards to means for recording that said electronic message is processed in respect of said at least one message class (Miloslavsky; col. 5, lines 27-36). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by Shaw with Miloslavsky's teaching with regards to this limitation, with the motivation of enabling the sending the message to a person who has the skill set to respond to the message (Miloslavsky; abstract).

(C)   Claims 5 and 7 repeat the features of claims 1 and 3, respectively, and are therefore rejected for the same reasons given above in the rejections of claims 1 and 3 and incorporated herein.

(D)   As per claim 19, Shaw teaches wherein said electronic messages include electronic mail (Shaw; abstract)

(E)   Method claims 21 and 22 repeat the subject matter of system claims 5 and 7, respectively, as a series of steps rather than a set of apparatus elements. As the underlying structure of claims 5 and 7, have been shown to be fully disclosed by the teachings of Shaw and Miloslavsky in the above rejections of claims 5 and 7, it is readily apparent that the system disclosed by Shaw and

Miloslavsky include the steps to perform these functions. As such, these limitations are rejected

for the same reasons given above for system claims 5 and 7, and incorporated herein.

(F)   Claim 30 differs from apparatus claim 5 by reciting the limitation "a computer

program product comprising a computer program code stored on a computer usable storage

medium..." in the preamble. As per this limitation, Shaw's system is implemented on a

computer (Shaw; figure 1). As such, Shaw implicitly includes computer elements such as a

programmed computer readable medium. The remainder of claim 30 repeats the limitations of

claim 5, and is therefore rejected for the same reasons given above for claim 5.

4. Claims 2, 4, 6, 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw

et al. (6,249,807) and Miloslavsky (6,128,646) as applied to claims 1, 5, and 21 above and

further in view of Sassin et al. (6,058,435).

(A)   As per claim 2, the combined system of Shaw and Miloslavsky collectively fail to

expressly teach wherein each message class comprises a respective message group, each

message group comprising one or more message categories. However, these features are old and

well known in the art, as evidenced by Sassin's teachings with regards to wherein each message

class comprises a respective message group, each message group comprising one or more

message categories (Sassin; abstract and col. 3, lines 25-37, col. 6, lines 42-47, and col. 7, lines

20-41). It is respectfully submitted, that it would have been obvious, to one having ordinary skill

in the art at the time the invention was made, to expand the system taught by Shaw and

Miloslavsky with Sassin's teaching with regards to this limitation, with the motivation of sending

the message group of agents that can best handle the message (Sassin; col. 3, lines 26-37).

(B)   As per claim 4, the combined system of Shaw and Miloslavsky collectively fail to

expressly teach wherein said agent directory includes, in respect of each agent, a set of one or

more message classes in respect of which the respective agent has a capability of dealing with

electronic messages, the distributing apparatus including means for comparing said selected

agent message classes set with said set of message classes into which the electronic message is

deemed to belong, whereupon receipt of said signal from said selected agent, the distributing

apparatus determines that said electronic message is processed in respect of all message classes

that are common to both of said message class sets. However, these features are old and well

known in the art, as evidenced by Sassin's teachings with regards to wherein said agent directory

includes, in respect of each agent, a set of one or more message classes in respect of which the

respective agent has a capability of dealing with electronic messages, the distributing apparatus

including means for comparing said selected agent message classes set with said set of message

classes into which the electronic message is deemed to belong, whereupon receipt of said signal

from said selected agent, the distributing apparatus determines that said electronic message is

processed in respect of all message classes that are common to both of said message class sets

(Sassin; abstract, col. 3, lines 25-37, col. 6, lines 42-47, col. 7, lines 20-41, and col. 8, lines 23-

46). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in

the art at the time the invention was made, to expand the system taught by Shaw and Miloslavsky

with Sassin's teaching with regards to this limitation, with the motivation of sending the message

group of agents that can best handle the message (Sassin; col. 3, lines 26-37).

(C)   Claims 6 and 8 repeat the features of claims 2 and 4, respectively, and are therefore

rejected for the same reasons given above in the rejections of claims 2 and 4 and incorporated

herein.

(D)   Method claim 23 repeats the subject matter of system claim 8 as a series of steps rather

than a set of apparatus elements. As the underlying structure of claim 8, has been shown to be

fully disclosed by the teachings of Shaw, Miloslavsky, and Sassin in the above rejections of

claim 8, it is readily apparent that the system disclosed by Shaw, Miloslavsky, and Sassin include

the steps to perform these functions. As such, these limitations are rejected for the same reasons

given above for system claim 8, and incorporated herein.

5. Claims 9-11, 14-16, 24-25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Shaw et al. (6,249,807) and Miloslavsky (6,128,646) as applied to claim 5 and 22 above

and further in view of Hall (6,026,396).

(A)   As per claim 9, the combined system of Shaw and Miloslavsky collectively fail to

expressly teach wherein said database includes a first set of data records, said first data record set

including one or more respective data records for each electronic message, each data record

including means for identifying the respective message to which it relates; and means for

identifying a respective message class in which said respective message is deemed to belong. However, this feature is old and well known in the art, as evidenced by Hall's teachings with regards to wherein said database includes a first set of data records, said first data record set including one or more respective data records for each electronic message, each data record including means for identifying the respective message to which it relates; and means for identifying a respective message class in which said respective message is deemed to belong (Hall; abstract, col. 3, lines 62-67, col. 8, lines 30-43, and col. 11, lines 19-32). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by Shaw and Miloslavsky with Hall's teaching with regards to this limitation, with the motivation of providing a mechanism for routing data to an appropriate agent (Hall; abstract).

(B)   As per claims 10 and 11, the combined system of Shaw and Miloslavsky collectively fail to expressly teach wherein each data record further includes status identifying means for indicating whether or not said respective message has been processed by an agent in respect of said respective message class, the distribution apparatus being arranged to cause said status identifying means to be updated in response to said signal from said agent and wherein the distributing apparatus is arranged to update the status identifier of each data record that relates to the message processed by said selected agent and that relates to a message class in respect of which said selected agent is capable of processing messages. However, this feature is old and well known in the art, as evidenced by Hall's teachings with regards to wherein each data record further includes status identifying means for indicating whether or not said respective message

has been processed by an agent in respect of said respective message class, the distribution

apparatus being arranged to cause said status identifying means to be updated in response to said

signal from said agent and wherein the distributing apparatus is arranged to update the status

identifier of each data record that relates to the message processed by said selected agent and that

relates to a message class in respect of which said selected agent is capable of processing

messages (Hall; abstract). It is respectfully submitted, that it would have been obvious, to one

having ordinary skill in the art at the time the invention was made, to expand the system taught

by Shaw and Miloslavsky with Hall's teaching with regards to this limitation, with the

motivation of providing a mechanism for indicating the message has been processed (Hall;

abstract).

(C)   Claim 14 repeats the features of claim 2 and is therefore rejected for the same reasons

given above in the rejection of claim 14 and incorporated herein.

(D)   Claim 15 repeats the features of claim 5 and is therefore rejected for the same reasons

given above in the rejection of claim 5 and incorporated herein.

(E)   As per claim 16, Shaw teaches classification apparatus, the classification apparatus

comprising:

        means for causing an electronic message to be classified into one or more message

classes according to message content (Shaw; col. 4, lines 29-49);

means for creating a respective data record, in said first data record set, for said one or more message classes (Shaw; col. 4, lines 8-15).

(F)   Method claims 24, 25, and 28 repeat the subject matter of system claims 10, 11 and 14, respectively, as a series of steps rather than a set of apparatus elements. As the underlying structure of claims 10, 11, and 14, have been shown to be fully disclosed by the teachings of Shaw, Miloslavsky, and Hall in the above rejections of claims 10, 11, and 14, it is readily apparent that the system disclosed by Shaw, Miloslavsky, and Hall include the steps to perform these functions. As such, these limitations are rejected for the same reasons given above for system claims 10, 11, and 14, and incorporated herein.

6.   Claims 12-13, 17, 26-27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw et al. (6,249,807), Miloslavsky (6,128,646) and Hall (6,026,396) as applied to claims 9, 16, and 24 above and further in view of Angotti et al. (6,182,059).

(A)   As per claims 12 and 13, the combined system of Shaw, Miloslavsky, and Hall collectively fail to expressly teach wherein each data record further includes a priority identifier which indicates the relative priority of said data record in relation to the other data records held in said first data record set in respect of the same electronic message, the distributing apparatus being arranged to select an agent that has a capability to process electronic messages belonging to the message class identified in the data record which has highest priority and in respect of

which message class the electronic message is not already processed, wherein the relative

priority of data records for an electronic message is determined by the level of confidence with

which said electronic message is deemed to belong to the message category identified in the

respective data records. However, this feature is old and well known in the art, as evidenced by

Angotti's teachings with regards to wherein each data record further includes a priority identifier

which indicates the relative priority of said data record in relation to the other data records held

in said first data record set in respect of the same electronic message, the distributing apparatus

being arranged to select an agent that has a capability to process electronic messages belonging

to the message class identified in the data record which has highest priority and in respect of

which message class the electronic message is not already processed, wherein the relative

priority of data records for an electronic message is determined by the level of confidence with

which said electronic message is deemed to belong to the message category identified in the

respective data records (Angotti; abstract, col. 6, lines 49-67, col. 8, lines 26-59, and col. 9, lines

44-64). It is respectfully submitted, that it would have been obvious, to one having ordinary skill

in the art at the time the invention was made, to expand the system taught by Shaw, Miloslavsky

and Hall with Angotti's teaching with regards to this limitation, with the motivation of providing

a mechanism for indicating the order that messages should be processed (Angotti; col. 9, lines

44-49).

(B)   As per claim 17, the combined system of Shaw, Miloslavsky, and Hall collectively teach

said database further including a second set of data records, said second data record set including

one or more respective data records for each electronic message, each data record including

means for identifying the respective message to which it relates; and means for identifying a respective message class in which said respective message is deemed to belong (Hall; abstract, col. 3, lines 62-67, col. 8, lines 30-43, and col. 11, lines 19-32),

the classification apparatus being arranged to create a data record, in said second set of data records, in respect of the message class assigned to said electronic message with the highest level of confidence (Hall; col. 8, lines 19-32),

wherein, the distributing apparatus is arranged to select a data record from said second data record set and to select an agent that is capable of processing messages belonging to the message class identified in said selected data record, the distributing apparatus being further arranged, upon receipt of said signal from said agent, to refer to said first set of data records and to create a new entry in said second set of data records in respect of the message class indicated in the data record in said first set which bears the highest priority and in respect of which message class the message has not been processed (Miloslavsky; abstract and col. 5, lines 31-36).

The combined system of Shaw, Miloslavsky, and Hall collectively fail to expressly teach wherein each message class is associated with an indication of the confidence level with which said message class is assigned to the message and the classification module being further arranged to include in or each data record in said first set of data records an indication of the relative priority of each data record. However, this feature is old and well known in the art, as evidenced by Angotti's teachings with regards to wherein each message class is associated with an indication of the confidence level with which said message class is assigned to the message and the classification module being further arranged to include in or each data record in said first

set of data records an indication of the relative priority of each data record (Angotti; abstract, col. 6, lines 49-67, col. 8, lines 26-59, and col. 9, lines 44-64). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by Shaw, Miloslavsky and Hall with Angotti's teaching with regards to this limitation, with the motivation of providing a mechanism for indicating the order that messages should be processed (Angotti; col. 9, lines 44-49).

(C)   Method claims 26, 27, and 29 repeat the subject matter of system claims 12, 13 and 17, respectively, as a series of steps rather than a set of apparatus elements. As the underlying structure of claims 12, 13, and 17, have been shown to be fully disclosed by the teachings of Shaw, Miloslavsky, Hall, and Angotti in the above rejections of claims 12, 13, and 17, it is readily apparent that the system disclosed by Shaw, Miloslavsky, Hall, and Angotti include the steps to perform these functions. As such, these limitations are rejected for the same reasons given above for system claims 12, 13, and 17, and incorporated herein.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw et al. (6,249,807) and Miloslavsky (6,128,646) as applied to claim 5 above and further in view of Armstrong (6,356,633).

(A)   As per claim 18, the combined system of Shaw and Miloslavsky collectively fail to expressly teach wherein said agent directory includes means for indicating the availability of each agent. However, this feature is old and well known in the art, as evidenced by Armstrong's

teachings with regards to wherein said agent directory includes means for indicating the

availability of each agent (Armstrong; abstract and col. 8, lines 61-65). It is respectfully

submitted, that it would have been obvious, to one having ordinary skill in the art at the time the

invention was made, to expand the system taught by Shaw and Miloslavsky with Armstrong's

teaching with regards to this limitation, with the motivation of forwarding the messages only to

agents that are available to process the messages (Armstrong; col. 9, lines 2-6).

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw et al.

(6,249,807) and Miloslavsky (6,128,646) as applied to claim 5 above and further in view of

official notice

(A)   As per claim 20, the combined system of Shaw and Miloslavsky collectively fail to

expressly teach wherein said electronic message include SMS messages. However, the

Examiner takes Official Notice (see MPEP § 2144.03) that the use of used of SMS electronic

messages in a computer networking environment was well known in the art at the time the

invention was made. The Applicant is entitled to traverse any/all official notice taken in this

action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also In re

Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice

must contain adequate information or argument to create on its face a reasonable doubt regarding

the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234

states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the

correctness of the fact asserted or the notoriety or repute of the reference cited in support of the

assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

Thus, it is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to provide routing as taught by Shaw and Miloslavsky by using well-established type of electronic messages, such as SMS messages, with the motivation of providing routing support for a larger variety of electronic messages.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches a multi-tasking web-based call center (6,389,132); method and apparatus for routing messages in an electronic messaging system (5,459,717); a message handling system for automated gateway between first and second handling systems wherein first envelope is added to a second envelope respectively without changing text (5,577,202); and methods and systems for homogeneously routing and/or queuing call center customer interactions across media types (6,493,695).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milan S Kapadia whose telephone number is 703-305-3887. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mk

December 11, 2003

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100